

1 E-filed on 5/28/08

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 BRAD BOTHELL,

No. C-07-05210 RMW

13 Plaintiff,

ORDER DISMISSING ACTION

14 v.

15 BLUE MONKEY; SEBASTIAN SANCHEZ;
et al.,

16 Defendants.

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19 On February 22, 2008, the court dismissed plaintiff Brad Bothell's complaint for failure to
20 state a claim on which relief may be granted by this court. However, plaintiff was given twenty (20)
21 days from the date of the order to amend his complaint to state a claim upon which this court may
22 grant relief. Plaintiff was informed that if he failed to do so, the court would dismiss the case.
23 Twenty days from the date of the order was March 14, 2008.

24 As of the date of this order, plaintiff has not amended his complaint, nor has the court
25 received any other communication from him about the above-captioned case. Accordingly, the court
26 hereby dismisses plaintiff's complaint without prejudice to plaintiff filing a new action, assuming he
27 is able to state a cognizable claim over which this court has jurisdiction.
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ORDER

2 For the foregoing reasons, the court dismisses plaintiff's complaint without prejudice. The
3 clerk shall close the file.

DATED: 5/27/08

Ronald M Whyte

RONALD M. WHYTE
United States District Judge

United States District Court For the Northern District of California

1 **A copy of this order was mailed on 5/29/08 to:**

2 **Plaintiff:**

3 Brad Bothell
4 80 S. Market Street
5 San Jose, CA 95113
6 PRO SE

7 **Counsel for Defendant(s):**

8 No appearance

9 Counsel are responsible for distributing copies of this order to co-counsel, as necessary.